

EXHIBIT “A”

FILED WESTCHESTER COUNTY CLERK 11/06/2020 10:05 AM

INDEX NO. 64139/2020

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 11/06/2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

Index No.:

Date Purchased:

-----X
IRENA BURGESS,

Plaintiff,

-against-

COSTCO WHOLESALE CORPORATION,

Defendant.
-----X**SUMMONS**Plaintiff designates
Westchester County as the
place of trial.The basis of venue is:
Residence of PartiesPlaintiff resides at:
17 Gard Ct
Greenwich, CT 06831**To the above named Defendants:**

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: NEW YORK, NY
November 5, 2020
Robert J. Greenstein
GREENSTEIN & MILBAUER, LLP
Attorney for Plaintiff
Irena Burgess
1825 Park Avenue, 9th Floor
New York, NY 10035
(212) 685-8500
Our File No. 18813TO:
Costco Wholesale Corporation
999 Lake Drive
Issaquah, WA 98027

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER-----X
IRENA BURGESS,

Plaintiff,

-against-

COSTCO WHOLESALE CORPORATION,

Defendant.
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**VERIFIED
COMPLAINT**

Plaintiff by her attorneys, **GREENSTEIN & MILBAUER, LLP** complaining of the
Defendant, respectfully alleges, upon information and belief:

1. That at all times herein mentioned, the Plaintiff was, and still is a resident of the County of Fairfield, State of Connecticut.
2. That at all times herein mentioned, the Defendant Costco Wholesale Corporation was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.
3. That at all times herein mentioned, the Defendant Costco Wholesale Corporation was and still is a foreign corporation duly authorized to do business in the State of New York.
4. That at all times herein mentioned, the Defendant Costco Wholesale Corporation maintained a principal place of business in the County of King, State of Washington.
5. That at all times herein mentioned, the Defendant, Costco Wholesale Corporation owned the premises and appurtenances and fixtures thereto, located at Costco Wholesale, 1 Westchester Ave, Port Chester, NY 10573.

6. That at all times herein mentioned, and upon information and belief, the Defendant, Costco Wholesale Corporation managed the aforesaid premises.
7. That at all times herein mentioned, and upon information and belief, the Defendant, Costco Wholesale Corporation controlled the aforesaid premises.
8. That at all times herein mentioned, and upon information and belief, the Defendant, Costco Wholesale Corporation maintained the aforesaid premises.
9. That at all times herein mentioned, and upon information and belief, the Defendant, Costco Wholesale Corporation repaired the aforesaid premises.
10. On November 22, 2017 Plaintiff Irena Burgess was lawfully on the aforesaid premises.
11. On November 22, 2017, while Plaintiff Irena Burgess was lawfully about the aforesaid premises she was caused to trip and fall and sustain serious and permanent injuries.
12. The above mentioned occurrence, and the results thereof, were caused by the joint, several and concurrent negligence of the Defendant and/or said Defendant's agents, servants, employees and/or licensees in the ownership, operation, management, supervision, maintenance and control of the aforesaid premises.
13. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.
14. That upon information and belief, prior to the accident, in derogation of their duties, defendant caused, permitted, and allowed said dangerous condition to exist

in and around the aforementioned area, so that it was dangerous to persons lawfully using same.

15. That upon information and belief, prior to the accident, defendant had knowledge of the unsafe and dangerous condition or that same had existed for so long a period of time that they should have known of the existence of said condition in time to have made said area safe before the occurrence of the accident herein alleged.
16. That by reason of the foregoing, Plaintiff Irena Burgess was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.
17. That this action falls within one or more of the exemptions set forth in CPLR 1602, including 1602 (2) and (7).
18. That upon information and belief, Defendant, Costco Wholesale Corporation violated New York City Administrative Code Section 7-210 in that they failed to maintain the subject sidewalk located at Costco Wholesale, 1 Westchester Ave, Port Chester, NY 10573 in a reasonably safe condition.

19. That as a result of the foregoing, Plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendant herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Yours, etc.

Robert J. Greenstein
GREENSTEIN & MILBAUER, LLP
Attorney for Plaintiff
Irena Burgess
1825 Park Avenue
9th Floor
New York, NY 10035
(212) 685-8500
Our File No. 18813

ATTORNEY'S VERIFICATION

ROBERT J. GREENSTEIN, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury: I am an attorney at **GREENSTEIN & MILBAUER, LLP**, attorneys of record for Plaintiff, Irena Burgess. I have read the annexed foregoing COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff(s) is/are not presently in the county wherein I maintain my offices.

DATED: November 5, 2020
New York, NY



Robert J. Greenstein

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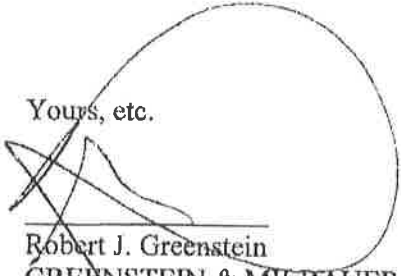
CERTIFICATION

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney duly admitted to practice in the Courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed **SUMMONS & VERIFIED COMPLAINT** are not frivolous.

Dated:

NEW YORK, NY
November 5, 2020

Yours, etc.



Robert J. Greenstein
GREENSTEIN & MILBAUER, LLP
Attorney for Plaintiff
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